

- Approved
- General Conditions/Additional Conditions
- Denied

RESOLUTION NO. 2021:23
BOROUGH OF STRATFORD JOINT LAND USE BOARD

- Appeal from Administrative Officer Decision Applicant: Michael Santoro
- Interpretation Owner: Michael Santoro & Kristie McNally
- "C" Variances Address: 103 Central Avenue, Stratford,
- "d(1)" Conditional Use Variance New Jersey
- Waiver of Site Plan Requirements Block 43, Lot 5.03
- Minor Subdivision Action: December 8, 2021
- Major Subdivision, Preliminary Zone: R-1 Residential Zone Major Subdivision, Memorialized: January 27, 2022
- Final Project:
- Minor Site Plan Plan Name:
- Major Site Plan, Preliminary
- Major Site Plan, Final

WHEREAS, the Applicant has applied to the Borough of Stratford Joint Land Use Board (SJLUB) for the following primary approval(s): Bulk variances pursuant to N.J.S.A. 40:55D70(c) to permit a 12' x 6', 72 sf, addition to an existing two-story frame dwelling located on the northeasterly side of Central Avenue with a side yard setback of 9.1' where 10' is required and an aggregate side yard setback of 19.4' where 25' is required;

WHEREAS, the application was considered by the SJLUB on December 8, 2021; and

WHEREAS, a public hearing () was not required; or

WHEREAS, a public hearing () was required and the SJLUB has considered that public comments

- were not made by the public
- were made in favor of all or some aspect of the application
- were made against all or some aspect of the application; and

WHEREAS, it appears that all jurisdictional and procedural requirements of applicable

Borough Ordinances have been met; and

WHEREAS, the SJLUB has considered the application and the evidence and arguments submitted by the Applicant in support thereof; and

WHEREAS, the SJLUB has considered the recommendations and comments of its professional staff and the following written reports:

December 3, 2021 review letter of Steven M. Bach, PE, RA, PP, CME, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, it appears that all requirements necessary to approve the application have been met; and

WHEREAS, the SJLUB has made the following findings of fact and conclusions (see attached); and

NOW, THEREFORE, BE IT RESOLVED that the primary approval(s) and waiver(s) applied for be and is/are hereby granted; and

BE IT FURTHER RESOLVED that the approval(s) hereby granted are made subject to the following General Conditions applicable to this type of application (see attached); and

BE IT FURTHER RESOLVED that the approval(s) hereby granted

are made subject to the following Additional Conditions

are not made subject to the following Additional Conditions.

WHEREAS the foregoing action was taken by the SJLUB on December 8, 2021, upon the motion of St. Maur, seconded by Botterbrodt, with the vote on the motion being as follows:

AYE: Mancini, Hall, Keenan, Morello, Mount, St. Maur, Swallow, & Botterbrodt

NAY:

ABSTAIN:

ABSENT:

The foregoing action was memorialized by the SJLUB on January 27, 2022 upon the motion of Mr. Hall, seconded by Mr. St. Maur, with the vote on the motion being as follows:

AYE: 6

NAY: 0

ABSTAIN:

ABSENT:

The undersigned Secretary of the SJLUB hereby certifies that the above is a true copy of Resolution 2021:22 adopted by the SJLUB on January 27, 2022.

SHARON McCART
Stratford Joint Land Use Board Secretary

FINDINGS OF FACT AND CONCLUSIONS

1. The Applicant has applied for bulk variances pursuant to N.J.S.A. 40:55D-70(c) to permit a 12' x 6', 72 sf, addition to an existing two-story frame dwelling located on the northeasterly side of Central Avenue with a side yard setback of 9.1' where 10' is required and an aggregate side yard setback of 19.4' where 25' is required, on Block 43, Lot 5.03, as depicted on the Borough of Stratford Tax Map and more commonly known as 103 Central Avenue, Stratford, New Jersey (hereinafter referred to as the "P.I.Q").

2. The application is for a 12' x 6', 72 sf, addition to an existing two-story frame dwelling located on the northeasterly side of Central Avenue, between Princeton Avenue and Harvard Avenue in the Borough's R-1 Residential Zone. The P.I.Q. is surrounded on all sides by similar residential properties in the R-1 zoning district.

3. At the hearing, the Applicant was sworn and testified and acquainted the SJLUB to the P.I.Q. and the nature of the application.

4. Applicant confirmed that he received a copy of the Bach Associates' review letter dated December 3, 2021, and confirmed that he was in agreement with its contents and recommendations as conditions of approval including that any proposed down spouts would be directed away from the adjacent properties in a manner acceptable to the Board Engineer.

5. In support of the application, the Applicant marked two (2) exhibits as follows:

A-1 – Plan of Survey, existing condition, prepared by AVI Luzon, dated March 1, 2019

A-2 – Plan of Survey, as proposed

6. Solicitor Wieliczko stated that two variances were needed by the Applicant. One for a side yard setback of 9.1' where 10' is required and the second variance for an aggregate side yard setback of 19.4' where 25' is required.

7. Applicant confirmed for Solicitor Wieliczko that proper notice was completed regarding this application and hearing.

8. Applicant stated that the improvement to the property would not adversely affect any adjoining properties.

9. The Engineer for the Board, Anthony DiRosa, PE, of Bach Associates, PC, testified on the application and consistent with the contents of the December 3, 2021 review letter signed by Steven M. Bach, PE, RA, PP, CME. Mr. DiRosa confirmed the contents of that review letter, attached as Exhibit "A" and incorporated herein by reference, and noted that all conditions from the review letter had been agreed to by the Applicant to his satisfaction. Mr. DiRosa stated that the Applicant submitted a building and lot coverage worksheet. He advised that with the addition, the coverage is 28.9% which is under the township ordinance which is 30% impervious coverage. Mr. DiRosa advised that they are asking that downspouts be directed away from adjacent property owners. Mr. DiRosa advised that they should be directed towards

the center of the yard or towards the front of the property. Applicant was asked by Solicitor Wieliczko if he anticipated installing additional downspouts. Applicant advised that he has one now and does not anticipate any additional being added. He is going to tie into the existing.

10. The meeting was then opened to the public and no comments were made.

11. Based upon all of the forgoing testimony, the application and other documents and the SJLUB's familiarity with the P.I.Q., the SJLUB finds that in regard to the P.I.Q., the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2, would be advanced by the requested variances and that the benefits of the variances would substantially outweigh any detriment. Specifically, the SJLUB finds that the requested variances would advance the purposes of N.J.S.A. 40:55D-2g (provision of sufficient space in appropriate locations for a variety of residential uses).

12. The SJLUB further finds that the variances can be granted without substantial detriment to the public good and that the variances will not substantially impair the intent and purpose of the Borough of Stratford Zone Plan and Zoning Ordinance. Specifically, the SJLUB grants the Applicant the requested bulk variances.

GENERAL CONDITIONS OF APPROVAL

1. Any variance granted permitting the erection or alteration of any structure(s) or a specified use shall expire unless such construction, alteration or use shall have been actually commenced on each and every structure permitted by said variance within one (1) year from the date of the SJLUB's action and is diligently pursued to completion; except, however, the running of this period shall be tolled from the date of filing an appeal from the SJLUB's decision to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding (Code §16.08.070A(6)). This Condition shall not apply if preliminary approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-49 or if final approval has been granted, extended and is still in effect pursuant to N.J.S.A. 40:55D-52.

2. A brief notice of this decision shall be published in the official newspaper of the Borough, at the Applicant's expense. The aforementioned notice shall be sent to the official newspaper for publication within ten (10) days of the date this decision is memorialized (Code §16.16.090). A proof of publication shall be filed with the Administrative Officer of the SJLUB within thirty (30) days of the date the decision is memorialized.

3. The Applicant shall promptly pay any professional staff fees billed, in excess of the required application escrows, or appeal in accordance with Code §16.16.040.

4. These General Conditions of Approval shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

5. The Additional Conditions of Approval, if any, shall be binding upon the Applicant, the owner and any successors and/or assigns of either.

6. The approval(s) granted is/are conditioned upon the Applicant obtaining the following governmental approval(s):

- Camden County Planning Board
- Pinelands Commission

7. Prior to the commencement of any construction, the Applicant shall obtain the following governmental approval(s) and/or permit(s):

- Stratford Municipal Utilities Authority;
- Camden County Planning Board;
- New Jersey Department of Transportation;
- Camden County Soil Conservation District;
- New Jersey American Water
- Fire Sub Code Official
- New Jersey Department of Environmental Protection; and
- Any other agencies as may be required
- Stratford Construction Permit

8. The Applicant shall be responsible for and shall satisfy, in accordance with the Borough of Stratford Land Use Ordinance, the following fees and charges:

- Mandatory Development Fees;
- Floor area Ratio Fees in the amount of \$(**to be calculated**)

9. Any improvement(s) to be constructed as a result of the SJLUB approving this application shall be constructed and operated in full compliance with the Code of the Borough of Stratford, the Revised Statutes of the State of New Jersey and any other applicable county, state, and/or Federal law.

10. Unless specifically waived in whole or in part and noted in the Additional Conditions of this approval, if the above application involves the granting of a final major subdivision approval or a final site plan approval or the approval for the issuance of a zoning permit, the Applicant, in order to assure the installation and maintenance of all required improvements required by the preliminary approval or as a condition to the issuance of a zoning permit, shall furnish written performance guarantees and written maintenance guarantees in the form(s) which comply with the provisions of N.J.S.A. 40:55D-53, et seq., and the Code of the Borough of Stratford. The amount of each performance guarantee shall equal 120% of the amount estimated by the Township Engineer as the cost of installing the required improvements. The maintenance guarantee shall equal 15% of the cost of the improvements and shall cover a period of two (2) years after the final acceptance of the improvements.

11. If the above application involves the granting of a final subdivision or final site plan approval, the Chairperson and Secretary of the SJLUB shall not sign the Final Subdivision Plat or Final Site Plan nor shall any zoning permit issue until the Applicant has posted the required performance guarantee and the Applicant has demonstrated that all conditions of the final approval have been satisfied.

12. Applicants seeking site plan or preliminary and/or final subdivision approval shall:

- A. Submit five (5) copies of a complete survey of the property (except for streets) to be dedicated, which survey shall be performed and certified by a licensed surveyor.
- B. Submit a topographic survey showing contour intervals of two (2) feet at a scale no larger than one (1) inch equaling one hundred (100) feet.
- C. Submit five (5) copies of complete (as-built) plan of any improvements, except for streets, on the dedicated property.
- D. Submit a deed of conveyance, approved as to form, content and description by the Borough Attorney. The said deed shall contain provision for the signature of the Mayor and the attestation by the Borough Clerk. Where streets are offered for

acceptance, a legal description by metes and bounds describing the centerline shall be included.

- E. Obtain title insurance naming the Borough of Stratford as the insured party in an amount equal to the fair market value of the dedicated property; this requirement shall not pertain to streets. In the case of drainage easements not shown on or generated after the final plan is filed in the County Clerk's office and property having a fair market value on one thousand dollars (\$1,000.00) or less, a title search indicating marketable title shall be sufficient, provided that said search is certified by a title insurance company authorized to do business in the State of New Jersey.

13. If a minor subdivision approval has been granted, such approval shall lapse unless within 190 days from the date of approval has been granted the Applicant either files a plat in conformity with the approval and the "Map Filing Law" (N.J.S.A. 46:26B-2, et seq.) or records a deed with the County Clerk which clearly describe the approved minor subdivision and files a copy of the deed with the Borough's Engineer and the Township's Tax Assessor. Such deed shall also be signed by the Chairman and Secretary of the SJLUB.

14. If a final approval has been granted, the Applicant shall submit to the SJLUB Engineer for his review a minimum of eight (8) complete sets of plans which shall incorporate all of the revisions that have been made conditions of this approval.

15. As part of this first application for final approval, the Applicant shall provide a construction schedule as required by the Borough of Stratford Ordinances which must be satisfactory to the SJLUB Engineering Consultant.

16. The Applicant shall comply with Title 39 of the New Jersey Statutes.

17. The Applicant shall construct all drainage basins or alternate drainage facilities upon the P.I.Q., including inflow and outflow structures, prior to the commencement of any construction upon the P.I.Q.

EXHIBIT "A"



December 3, 2021

Borough of Stratford Joint Land Use Board
307 Union Avenue
Stratford, NJ 08084

Attn: Joint Land Use Board Members

Re: Bulk Variance Request
Michael Santoro
103 Central Avenue
Block 43, Lot 5.03
Review No. 1
Bach Project No. STRATLUB-2021-6

Dear Joint Land Use Board Members:

We have received the following items submitted for the referenced project:

- Borough of Stratford Joint Land Use Board Application Form.
- Plan entitled "Plan of Survey, Block 43, Lot 5.03, Borough of Stratford, Camden County, New Jersey", prepared by AVI Luzon, Professional Land Surveyor, dated 3-1-19, no revision. It shall be noted that the applicant has sketched the proposed house addition onto the survey.

SITE INFORMATION:

Applicant & Owner: Michael Santoro
103 Central Avenue
Stratford, NJ 08084
609-413-6579

PROJECT SUMMARY:

This application is for a 72 sf addition to an existing 2 story frame dwelling located on the northeasterly side of Central Avenue, between Princeton Avenue and Harvard Avenue in the Borough's R-1 Residential Zone.

The property is surrounded on all sides by similar residential properties in the R-1 zoning district.

Bulk Variance Request
Michael Santoro
103 Central Avenue
Block 43, Lot 5.03
Review No. 1
Bach Project No. STRATLUB-2021-6
December 3, 2021
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The application will require variances as described in the comments below.

REVIEW COMMENTS:

1. Per §17.48.030, the minimum side yard setback is ten (10) feet. The plan provided by the applicant indicates a side yard setback of approximately 9.1 feet. **A variance is required.**
2. Per §17.48.030, the minimum aggregate side yard setback is 25 feet. The plan provided by the applicant indicates an aggregate side yard setback of approximately 19.4 feet. **A variance is required.**
3. It shall be noted that any proposed downspouts shall be directed away from adjacent property owners so as not to adversely affect the drainage on adjacent properties.
4. The applicant must provide testimony to justify the requested variances.

For a C(1) variance, the applicant must demonstrate that the strict application of the zoning regulations to the property create a hardship or result in exceptional practical difficulties by reason of the exceptional shape of the property or the exceptional topographic conditions uniquely affecting the property, or the structures lawfully existing upon the property.

For a C(2) variance the applicant must show that the proposed variance advances the purposes of municipal land use law and that the benefits of the deviation would substantially outweigh any detriments. The applicant should address whether the proposed variance will substantially impair the intent of the Master Plan or zoning plan and whether there are any potential impacts to the public good.

If there are any questions or if any additional information is required please contact this office.

Very truly yours,
BACH ASSOCIATES, PC



Steven M. Bach, PE, RA, PP, CME
President

Cc: Matthew B. Wieliczko, Esq., PB Solicitor
Sharon McCart, JLUB Secretary
Michael Santoro, Applicant

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